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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,798	12/20/2001	Hidetaka Numata	9281-4256	5394

7590 07/20/2004  
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EXAMINER

AWAD, AMR A

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/036,798

Applicant(s)

NUMATA ET AL.

Examiner

Amr Awad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitations "the ball" and "the pin" in claim 5 lack antecedent basis, which make the claim indefinite. Claim 6 recites, "the at least two ball and pins—lacks antecedent basis, which makes the claim indefinite. Also claim 1 recites "at least one of a ball and a pin—indicates that there is at least one ball and one pin is positioned, while claim 6 recites "the at least two balls and pins is" which shows that there is only one ball or pins is used. Examiner respectfully requests a correction of explanation.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Levin et al. (US patent NO. 6,154,201; hereinafter referred to as Levin).

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As to independent claim 1, Levin (figure 1) teaches a manual input device (10) that includes a knob (18), feeling providing device, which has at least two kinds of feeling patterns (col. 7 lines 58-65 and 8, lines 3-23), and an actuator (by pushing the knob 18) which positions at least one of a ball (84) and pin (50) elastically forced to contact the one of the disc (col. 12, lines 26-56), and cylinder which activates the feeling providing device and change an operation feeling given to the knob (col. 8, lines 3-8).

As to claim 2, Levin teaches having the knob manipulated by linear movement (col. 4, lines 25-29).

As to claims 3-4, as can be seen from figure 1, Levin shows rotation movement by the knob 18 (col. 5, lines 47-51).

As to claim 5, Levin (figures A, 3B and 4A) teaches that the device includes one disc (52) and cylinder (70), which bears plural feeling patterns (54) and is fixed to control shaft (50) to be manipulated by the knob (18) (col. 8, lines 30-64), and one of a ball (84) and pin (50) elastically forced to contact the one of the disc and cylinder, and wherein the actuator (70) linearly reciprocates the one of the ball and pin in a direction where the plural feeling are arranged (col. 12, lines 26-56).

As to claim 6, the different between claims 6 and 5 is that claim 6 recites having a disc and cylinder, which has a single feeling pattern. As can be seen in figure 5, the other knob fairly reads on the claimed limitation (col. 14, lines 5-27).

As to claim 7, Levin (figures A, 3B and 4A) teaches that the device includes one disc (52) and cylinder (70), which bears plural feeling patterns (54) and is fixed to control shaft (50) to be manipulated by the knob (18) (col. 8, lines 30-64)

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As to claim 8, Levin (figure 1) teaches a manual input device (10) that includes a knob (18), feeling providing device, which provides the knob with an operation feeling (col. 7, lines 58-65 and col. 8 lines 3-23), and an actuator (by pushing the knob 18), which activates the feeling-providing device (col. 8, lines 3-8). Levin teaches a detector (sensor 214 in fig. 8) for detecting the operating condition of the knob, and an input/output section, which exchanges signals with an external device, controlled by the knob, wherein the actuator is controlled according to a control signal generated based on an external signal from an external detector connected at least with the external device (col. 8, line 65 through col. 9, line 12).

As to claims 9-14; these claims are substantially similar to the apparatus of claims 2-7 and would be analyzed as previously discussed with respect to claims 2-7.

As to claims 15-17, the claims are substantially similar to the device of claims 1-7 and would be analyzed as previously discussed with respect to claims 1-7.

As to claims 18-19, the claims are substantially similar to claims 1-7 above except that claims 18-19 further recite a car-mounted apparatus. Levin teaches that the device is used inside a car (col. 7, line 66 through col. 8, line 22).

### ***Response to Arguments***

5. Applicant's arguments filed May 7, 2004 have been fully considered but they are not persuasive.

Applicant (page 8) argued that Levin is quite different from mechanically positioning the ball or a pin in elastic opposition to feeling providing device. Examiner

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respectfully disagrees. First, the citation of having a ball or pin mechanically positioned in elastic opposition to feeling providing device is not claimed in claim 1 in the way presented in the argument. There is no mentioning of the term "mechanically" or the term "elastic opposition". Secondly, the examiner clearly shows in the rejection above that Levin shows both the pin and the ball as being part of the device.

Applicant (page 9) argued that claim 19 depends on claim 1, and therefore, allowed because it depends on an allowable base claim. However, claim 19 is an independent claim. Applicant also argued that the operator must provide the force, while the Operator action is not an integral part of the structure. The examiner respectfully submits that using the action of the operator in Levin's device does not preclude the use of Levin to reject the claimed invention.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amr Awad whose telephone number is (703)308-8485. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:00 PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703)305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



7-16-2004

A.A.